

**REMARKS**

Claims 1-20 were originally filed in the present application.

Claims 1-20 are pending in the present application.

Claims 1-20 were rejected in the January 3, 2007 Office Action.

Claims 1, 8 and 15 have been amended herein.

No claims have been allowed.

Claims 1-20 remain in the present application.

Reconsideration of the claims is respectfully requested.

In Section 1 of the January 3, 2007 Office Action, the Examiner rejected Claims 1-4, 8-11 and 15-17 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,925,068 to *Stanwood, et al.* (the “Stanwood reference”). Applicants respectfully disagree.

Claim 1 of the present application currently requires:

For use in a point-to-multipoint wireless network, a base station for transmitting downstream data packets in a downstream traffic channel to customer premises equipment (CPE) devices and receiving upstream data packets in an upstream traffic channel from said CPE devices,

wherein said base station is capable of *determining a queue status of at least one queue associated with at least one application in each of said CPE devices, wherein said queue status is at least one of: a queue priority and a traffic type* and, in response to said determination, said base station is capable of *re-allocating bandwidth from a first queue associated with a first CPE device to a second queue.* (emphasis added).

Notably, Claim 1 requires that the base station is capable of *determining a queue status of at least one queue associated with at least one application in each of said CPE devices.* Claim 1 also notably requires that the *queue status is at least one of: a queue priority and a traffic type.* In

addition, Claim 1 also requires that *in response to said determination*, said base station is capable of *re-allocating bandwidth from a first queue associated with a first CPE device to a second queue*.

The Stanwood reference, on the other hand, teaches an adaptive method for time division duplexing transmissions where uplink and downlink bandwidth requirements are predicted using uplink and downlink bandwidth utilization parameters. *See e.g.*, Stanwood reference, Abstract and column 7, lines 25-42. The Stanwood reference, however, fails to teach or disclose, for example, *determining a queue status of at least one queue associated with at least one application in each of said CPE devices*, as required by Claim 1 and its dependents.

In fact, at most, the Stanwood reference discloses that each channel comprises different multiplexed information streams. *Id.* at column 10, lines 23-33. The information in a stream includes *address information* which enables a selected CPE 10 to distinguish and extract information intended for it. *Id.* There is, however, no teaching or disclosure of, for example, any *queues associated with at least one application in each of said CPE devices*, as required by Claim 1 and its dependents.

Similar arguments hold true for independent Claims 8 and 15 (and their respective dependents).

Accordingly, the Applicants respectfully request favorable reconsideration and the withdrawal of the §102 rejection.

In Section 2 of the January 3, 2007 Office Action, the Examiner rejected Claims 5-7, 12-14 and 18-20 under 35 U.S.C. §103(a) as being unpatentable over the Stanwood reference in view of

U.S. Patent No. 6,683,866 to *Stanwood, et al.* (the “Stanwood 2 reference”). Applicants respectfully disagree.

Claims 5-7 depend from allowable Claim 1 and are also allowable as shown above. Similarly, Claims 12-14 depend from allowable Claim 8 and are also allowable as shown above. Likewise, Claims 18 and 19 depend from allowable Claim 15 and are also allowable as shown above.

As an example, the Stanwood reference, either alone or in combination with the Stanwood 2 reference, fails to teach or disclose, for example, *determining a queue status of at least one queue associated with at least one application in each of said CPE devices*, as required by independent Claim 1 and ultimately by its dependents Claims 5-7. Similar arguments hold true for Claims 12-14, 18 and 19. Moreover, there is no suggestion or motivation within either of the cited references to prompt one of ordinary skill to selectively combine discrete elements from each and then *seek out* still other elements as required by Claims 5-7, 12-14, 18 and 19.

With regards to independent Claim 20, the Stanwood reference, either alone or in combination with the Stanwood 2 reference, fails to teach or disclose, for example, a CPE device that transmits in a header of said upstream data packet *a first queue status associated with a first queue in said CPE device*, as required by Claim 20. Moreover, there is no suggestion or motivation within either of the cited references to prompt one of ordinary skill to selectively combine discrete elements from each and then *seek out* still other elements as required by Claim 20.

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**PATENT**

Accordingly, Applicants respectfully request favorable reconsideration and the withdrawal of the §103 rejection.

**SUMMARY**

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of the pending claims and that this application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@munckbutrus.com*.

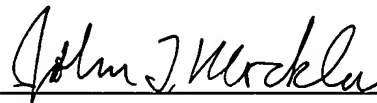
The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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